

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Staff Governance
<b>DATE</b>	03 September 2018
<b>REPORT TITLE</b>	Corporate Health and Safety Policy
<b>REPORT NUMBER</b>	GOV/18/064
<b>DIRECTOR</b>	N/A
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Mary Agnew
<b>TERMS OF REFERENCE</b>	4.1, 5.1, 5.2, 5.3

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### 1. PURPOSE OF REPORT

- 1.1 This report provides a reviewed Corporate Health and Safety Policy Improvement Plan for consideration by the Committee. This legal requirement provides a framework for how and by who health and safety will be managed within the organisation.

### 2. RECOMMENDATIONS

That Committee:

- 2.1 approves the proposed Corporate Health and Safety Policy; and  
2.2 agrees that compliance be monitored via health and safety performance reports to Committee.

### 3. BACKGROUND

- 3.1 The Corporate Health and Safety Policy has been reviewed to reflect the new organisational structure of Functions and Clusters. The format has been refreshed to provide clearer roles and responsibilities, updated arrangements including a revised health and safety reporting process. It reflects a 'Plan, Do, Check, Act' approach.
- 3.2 The attached document links to the Local Outcome Improvement Plan (LOIP) outcomes and the related Target Operating Model. The organisation's focus being on the priority areas of service to deliver to ensure; Prosperous Economy; Prosperous People, Prosperous Place and Enabling Technology.
- 3.3 There is a legal requirement under Regulation 2(3) of the Health and Safety at Work Act etc.1974 to develop and implement a written Health and Safety Policy for the organisation. The document comprises of 3 parts:

- a. Policy Statement on health and safety at work sets out the organisations commitment to managing health and safety effectively, and what it wants to achieve;
- b. Responsibilities section sets out roles and who is responsible for specific actions; and
- c. Arrangements section contains the detail of what we are going to do in practice to achieve the aims set out in our statement of health and safety policy.

### **3.4 Main changes**

- 3.5 The attached policy has been reviewed to reflect the new Target Operating Model in relation to Functions and Clusters. The context reflects a more systematic approach with less prescriptive detail. This is to enable Functions to shape the health and safety management system while ensuring a consistent approach across the organisation.
- 3.6 The roles and responsibilities have been refreshed to improve clarity, ownership and accountability and to ensure that Councillors are aware of the critical role that they play in ensuring that health and safety implications of decisions made at the highest level are fully considered. The content is less prescriptive.
- 3.7 Further clarity has been provided around Premises Responsible Person and the revised remit of the Corporate Health and Safety Lead. The Responsible Person's duties include ensuring that the provisions of the Fire Safety (Scotland) 2005 are complied with.
- 3.8 Greater emphasis on a Plan, Do, Check, Act approach. This achieves a balance between systems and behavioural aspects of management. It assists in ensuring that health and safety is an integral tool of good management rather than regarded as a stand-alone system.
- 3.9 The health and safety reporting structure has been revised to reflect new arrangements to ensure that health and safety is considered at all levels and with mechanisms in place for early consideration and address.
- 3.10 Supplementary guidance that supports the Corporate Health and Safety policy has been produced and refreshed this includes;
  - i. HS.1.20v2 - Health and Safety Group Consultation Procedure;
  - ii. HS.1.20.1Fv2 - Function Health and Safety Consultation Groups – Terms of Reference; and
  - iii. HS 1.20.2F - Health and Safety meeting Agenda template;

### **3.11 Implementation**

- 3.12 For the Council to succeed in meeting its health and safety objectives, everyone including Councillors, the management team, and each individual employee has a role to play. We continually update and refresh interventions to support a

cultural shift to further improve the health and safety culture. For the policy to be effective a culture which encourages employees to always work safely and to present this safety-first image to colleagues, service users and members of the public is required.

- 3.13 To ensure legal compliance the Council must promote and maintain health and safety throughout the organisation. Through a sensible, responsible and proportionate risk management via visible leadership and management health and safety performance will be improved. An embedded approach through Plan, Do, Check and Act will assist in a more proactive approach. Raising the standards of competence in relation to health and safety will also be a priority through the use of skills and training matrices and comparison against delivered development.
- 3.14 Functions will require to develop specific health and safety arrangements which will set out in detail how the aims of the attached policy will be met.
- 3.15 Implementation of health and safety arrangements will be managed and progress monitored via related performance information presented to the Function Health and Safety Groups and the Staff Governance Committee.
- 3.16 Health and safety management needs to be embraced in a holistic way: interactions between the working environment, equipment, systems and procedures, and the people in the organisation. Effective risk management depends partly on the behaviour of individuals in an organisation. Poorly designed equipment or operations, poor systems and poor working conditions can all encourage unsafe behaviours, but these behaviours are not inevitable. The organisation's attitudes and values regarding safe working are important factors that influence its approach to work and ultimately its health and safety performance. It is not enough to provide safe equipment, systems and procedures if the culture doesn't encourage healthy and safe working.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct Financial implications arising from the recommendations of this report. By improving the management of health and safety through implementation of the policy this will improve the management of health and safety and in turn the Function / Cluster leading and lagging health and safety performance indicators. This will improve legal compliance which will reduce financial exposure to the Council.
- 4.2 An effective health and safety management system in which roles and responsibilities are clearly defined will ensure that risks are identified and either eliminated or reduced and will result in a reduction of costs to the organisation.
- 4.3 There are financial benefits to be gained through reduced absence and related sick leave, reduced insurance premiums and potential legal costs. Studies show that good practice in health and safety makes sound business sense.

## 5. LEGAL IMPLICATIONS

- 5.1 The Health and Safety at Work etc Act 1974 requires an employer to ensure the health and safety of their employees and those who may be affected by their undertaking. To comply with its duties, the Council must ensure that its safety management system is robust and reliable. The Council is required to produce a written health and safety policy. It needs to let employees and others know what the organisation's commitment is to health and safety and say who does what, when and how.
- 5.2 Failure to comply with legislation in ensuring a safe and healthy workplace may result in enforcement action (criminal) by the Health and Safety Executive (HSE). Such a prosecution could be raised against the organisation or senior managers; line managers and/or individual employees where it is found that there has been negligence by an individual (for example, knowingly allowing an unsafe act to continue). Potential penalties for material breaches includes fines, imprisonment and remedial orders in addition a to fee for intervention. There is also the possibility of employee claims (civil) - these are more likely to succeed following a successful HSE prosecution.
- 5.3 Statistical evidence shows that HSE have been successful in prosecuting 94% of cases brought to court for health and safety breaches. Not only may the Council be liable to pay any fine or damages imposed, they may also be liable for the legal costs involved.

## 6. MANAGEMENT OF RISK

- 6.1 The risks with the potential to impact the decision being sought from the Committee are categorised as:

	<b>Risk</b>	<b>Low (L), Medium (M), High (H)</b>	<b>Mitigation</b>
<b>Financial</b>	The risk is that health and safety policy is not implemented and there is no robust system for the management of health and safety. This could result in an incident or non-compliance. This has the potential to bring a reduction in the overall budget in place to provide service delivery.	M	Legal compliance is achieved through the development and implementation of a Corporate Health and Safety policy. This along with Health and Safety Improvement Plan(s) will assist in the identification of improvement areas and legal compliance.
<b>Legal</b>	There is the risk that required documentation is not in place and that	M	As above.

	any health and safety non-compliance with statutory requirements is investigated by the HSE. Identification of a material breach could result in enforcement action in the form of notices or prosecution.		
<b>Employee</b>	The risk is that without clarity of roles and health and safety arrangements hazards are not risk assessed and controlled there is the potential of incidents resulting in employee injury. This has the potential to temporarily or permanently affect either or both their employment or their life.	M	As above. Clarity of what the organisations commitment is to health and safety including who does what, when and how will ensure a safe and working environment for employees. Robust arrangements will ensure that that the task has been risk assessed; employees are trained, competent and supervised then there should be less likelihood of incidents.
<b>Customer</b>	The risk to our citizens is that we are unable to provide the same level of service delivery due to staff absences from illness and injury sustained during their work. Also there is the possibility of a reduced budget due to the associated financial costs.	M	Ensuring legal statutory compliance through the management system detailed in the Corporate Health and Safety Policy will assist in reducing the number of incidents, reduce the number of absences and the subsequent costs to the Council.
<b>Reputational</b>	Local and National press coverage of any material breaches (lack of required health and safety policy), incident and HSE prosecution can present reputational damage to the organisation.	M	Should be provided by each Function having a robust safety management system in place. This will be reflected in their arrangements to implement the Corporate Health and Safety Policy. There are many facets to this which are important starting from ensuring employees are trained and competent, every hazard is risk assessed and

			up to carrying out investigation of near misses to ensure controls are reviewed to consider whether remedial actions are required.
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## 7. OUTCOMES

<b>Local Outcome Improvement Plan Themes</b>	
	<b>Impact of Report</b>
<b>Prosperous Economy</b>	<p>As with any other local authority, Aberdeen City Council has a key role in ensuring a prosperous economy. By ensuring legal compliance and effectively managing health and safety this reduces the likelihood of incidents, related injury and work-related ill health. This in turn means that the Council's and employees contribution to the local economy is not affected through lost resource eg absence, prosecution and associated costs. By taking a proactive approach to health, safety and wellbeing the "public pound" will be used effectively reducing lost resource through direct and indirect costs. Research shows that good health is good for business and better workplaces have better financial results.</p>
<b>Prosperous People</b>	<p>As an organisation the Council considers the health of its workforce to be paramount and a key element in service delivery. This focus is on having an engaged workforce and all the additional benefits associated with this.</p> <p>The workplace is an environment in which most adults spend a substantial proportion of their time. It has the potential to have both positive and negative influences on their health and well-being. Where there are continuing trends of incidents there is the risk that employees become disengaged with the organisation as they feel that there is no concern for their safety. There are many additional strands from disengaged employees: poor customer service, increased absence rates and reduced productivity.</p>

<b>Prosperous Place</b>	The Council promotes the health and well-being of its employees by: creating a safe and healthy workplace and a healthier workforce, which enhances its image and reputation as a good employer. An engaged workforce contributes to the local economy ensuring that resources are spent as intended on the delivery of high quality services. This has a ripple effect in the wider community and links to economic development. Any detrimental effects caused through incidents or poor health of employees impacts on the provision of public services and as such a pro-active approach to the management of health and safety ensure that the “public pound” is used effectively.
<b>Enabling Technology</b>	The implementation of a system to monitor closing out actions will assist in achieving the identified targets. This along with other digital enhancements currently being explored will assist in the management of health and safety within the Council.

<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Customer Service Design</b>	No impact
<b>Organisational Design</b>	No impact
<b>Governance</b>	Committee support would endorse and show commitment to the effective management of health and safety in the organisation.
<b>Workforce</b>	Approval of the recommendations would assist the Council in improving the current health and safety management system. It would help address the risk of lost resource through for example absence, enforcement action and potential claims. A pro-active approach has the potential to reduce any impact on employees and the wider community; reducing demands on other public-sector organisations.

<b>Process Design</b>	This provides the committee with detail of processes that are in place for stated outcomes in the policy. It provides a framework against which levels of assurance can be measured. This will assist in improving legal compliance and culture within the organisation.
<b>Technology</b>	No impact
<b>Partnerships and Alliances</b>	This allows Trade Unions, elected members and officers to collaborate on potential health and safety arrangements.

## 8. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Equality &amp; Human Rights Impact Assessment</b>	Not required
<b>Privacy Impact Assessment</b>	Not required
<b>Children's Rights Impact Assessment/Duty of Due Regard</b>	Not Applicable

## 9. BACKGROUND PAPERS

N/A

## 10. APPENDICES

Appendix 1 – Corporate Health and Safety Policy

## 11. REPORT AUTHOR CONTACT DETAILS

Name Mary Agnew, Health, Safety and Wellbeing Manager  
Email Address [magnew@aberdeencity.gov.uk](mailto:magnew@aberdeencity.gov.uk)  
Tel 01224 52(3088)